

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

UNITED STATES OF AMERICA

: Hon. Katherine S. Hayden

v.

: Criminal No. 06-911 (KSH)

DAVID KIRKLAND

: O R D E R

This matter having come before the Court for a status conference after the Court granted the defendant's motion to vacate his plea of guilty, defendant David Kirkland being represented by James Patton, and the United States being represented by United States Attorney Christopher J. Christie (Douglas Herring, Assistant United States Attorney, appearing);


IT IS THE FINDING OF THIS COURT that the defendant has been apprised of the potential penalties if convicted after trial. The defendant was provided with a written plea agreement on November 12, 2008. The defendant was advised that the aforementioned plea agreement will be withdrawn by the United States Attorney's Office on Wednesday, November 26, 2008, at 3:00 p.m., unless the United States Attorney's Office receive the agreement signed by the defendant. The defendant was advised that the United States will neither negotiate nor modify the plea agreement of November 12, 2008.

WHEREFORE, on this 21st day of November, 2008,

IT IS HEREBY ORDERED that, unless the United States Attorney's Office for the District of New Jersey has received the November 12, 2008, plea agreement signed by the defendant by November 26, 2008, at 3:00 p.m., a jury trial shall commence on

February 23, 2008. All parties are ordered to appear at a pre-trial conference on February 9, 2008, for the purpose of reviewing potential jury voir dire questions and jury instructions.

The defendant may file a motion for pre-trial release provided Pretrial Services is contacted and has an opportunity to submit a report to the Court.



HONORABLE KATHARINE S. HAYDEN
United States District Judge